

MOUNTAIN COUNTIES WATER RESOURCES ASSOCIATION

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Rick Breitenbach
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Subject: Mountain Counties Water Resources Association Comments on the EIS/EIR for
the CALFED Bay-Delta Program

Dear Mr. Breitenbach:

The Mountain Counties Water Resources Association (MCWRA) has and continues to support the CALFED Bay-Delta Program. There must be an overall coordinated resolution to the California water crisis. The agencies participating in the CALFED Program are those agencies that will be making decisions that contribute to a satisfactory solution. The MCWRA believes that, although great strides have been made, the current program is short of resolving many of the major issues facing the water community as we move into the 21st Century. Considerable effort is needed before a workable program is developed. It is the intent of the MCWRA that the comments offered will lead to a more workable solution that all parties will be motivated to support.

The MCWRA is also concerned that there is not sufficient coordination between the CALFED Program and other major activities of the participating agencies. Such activities are; the implementation of the Central Valley Project Improvement Act, the completion of the Trinity River Restoration Program and the decisions being made in implementing the Endangered Species Act. These other programs and decisions can have a dramatic impact on the success of the CALFED Program. All of these decision-making activities must be included in an overall decision making process. Decisions on these other activities will most likely decrease water supply reliability and must be addressed in the CALFED Program.

General Comments on the CALFED PEIS/EIR

The Programmatic Environmental Impact Statement/Environmental Impact Report (EIS/EIR) defines the "problem area" being addressed as the Sacramento-San Joaquin Rivers Delta (Delta). The EIS/EIR defines the "solution area" as extending throughout the Delta watershed. The Mountain Counties Water Resources Association (MCWRA) represents the Counties and Water

Purveyors in the Central Sierra Nevada Foothills (Foothills) which are within the watershed of the Delta. This region has a right to develop water to meet its needs under county of origin and the watershed of origin laws which provides a water right priority to this and other like regions in the "solution area". Those portions of the EIS/EIR and related appendices that deal with the "solution area" are deficient and, in our opinion, are inadequate for decision-making because they fail to account for this water right priority.

Although a solution principle is "no significant redirected impacts", there is no real analysis of any potential impacts on the foothill region in this regard. Consequently, it is not possible to determine whether or not proposals have "significant redirected impacts". We see the recognition of the MCWRA area as part of the solution area but cannot see the necessary recognition of our problems and concerns or any actual commitment to resolve those problems.

The document recognized the protections afforded by existing law and regulation, but does not attempt any analysis of the impacts of implementing those laws and regulations on the proposed Delta solution. This approach tends to ignore these statutes and the upstream area's impact on the Delta solution as the rights under these laws and regulations are exercised.

The watershed management program is a welcome component of the CALFED solution. However, the program as described in the PEIS/EIR is woefully inadequate. As it's described, it is a conceptual program with little or no commitment to accomplish any of the significant potential benefits identified for the program. Further, it does not consider the current or future consumptive needs in the watershed, which must be addressed in any overall management strategy for the region.

CALFED recognized the value of storage in the overall system management. However, the need for additional surface storage in the system is down-played by relying on water use efficiency and transfers. Many of these types of actions are currently being carried out and will only be a part of the solution, not *the* solution. The MCWRA believes that surface water storage is a major component to solving future water supply problems and the omission in this program is a serious shortcoming. As a result, the MCWRA is concerned that our area will be adversely impacted as a proxy for storage to provide the reliability and flexibility that would be furnished by additional storage. Further, additional storage is the only method of solving water supply needs in some of the foothill region and this storage may be able to provide some solution for the Delta. This alternative has not been evaluated.

The MCWRA is concerned that the EIS/EIR and the CALFED program have sidestepped the issue of Delta conveyance as a means for increasing system reliability and water quality. This concern stems from the belief that without adequately addressing this issue, the MCWRA water resources and development for future needs are at risk because this area will be looked to for water to meet the Delta requirements. CALFED must include a more comprehensive approach to the Delta conveyance solution both for water reliability and quality as well as the Delta fishery resources.

A pervasive problem with the EIS/EIR is its persistent failure to provide anything but empty generalities. Specific analyses and proposals are consistently deferred or omitted entirely. Although we recognize the document's programmatic nature, even the level of detail needed to define the program and its impacts is absent.

Finally, we support the development of an Environmental Water Account that can be used in the same manner as other water entitlements, to facilitate better overall management of the water system. The current system of taking additional water from users, usually agriculture, whenever the environment needs water is inefficient and increases the water user's uncertainty. Making the environmental needs react on par with other water uses and forcing decisions to be made within a water and money budget will cause the environmental water to be used more effectively.

Given the EIS/EIR's many shortcomings, it is becoming very difficult for our members to see why the MCWRA should continue to support the overall CALFED process unless there are improvements in the program to meet our concerns. Without adequate and appropriate benefits for the foothills regions, particularly related to expansion of existing storage facilities and development of new surface water storage areas, we cannot see that the CALFED process will result in equity for all involved regions. On the contrary; as the process is now progressing, it would appear that all considerations beside the environmental aspects are being given short shrift. We believe, as we know many of the other participants also do, that the environmental aspects are important. However, we also believe that to succeed, CALFED must not stray from the principle of balanced action for all interests, not just the environmental concerns.

Specific Comments

In addition to the foregoing, we offer the following specific comments to illustrate our concerns about the adequacy of the Draft Programmatic EIS/EIR and the related volumes.

I. Comments on "REVISED PHASE II REPORT"

- Page 58: Re: Storage: The text indicates that "(S)urface and groundwater storage can make major contributions to each of the water supply reliability goals, but is especially helpful in improving overall system flexibility. As a water management tool, storage also has some negative impacts, including its cost and adverse environmental impacts of site development and of water diversion to storage" *The latter statement may or may not be true in a particular case. The documentation is completely silent on additional storage in the foothill regions though it does (at several points in the discussion of biologic impacts) provide identification of adverse impacts. Two problems are worthy of note:*
 - (1) *NEPA requires a balanced approach to impact assessment: both adverse and beneficial; and*
 - (2) *The documentation does not provide sufficient information on possible additional storage in the upstream reaches of the of the "solution area" to make any informed decision on the possible impacts of the preferred alternative.*

- Page 59: Re: Watershed Management: *The general points that are made in the paragraph are certainly correct. However, no analysis is provided of what the consequences of the various suggested measures would be on economic and land use viability in the foothills.*
- Page 93: Re: Integrated Storage Investigation: *"As part of its ongoing evaluation of the appropriate role of storage alternatives in the CALFED solution, CALFED has initiated the Integrated Storage Investigation. The ISI will coordinate existing storage investigations by individual CALFED agencies, CALFED-initiated storage evaluations and broader water management strategies and analysis to provide a comprehensive assessment of alternative storage options and their utility to overall water management." This statement is essentially an acknowledgment that relevant information exists and is being developed, coupled with a decision to defer all analysis of that information to the post-decisional future. Without the results of these investigations, at least preliminary results, the documentation is inadequate even at a programmatic evaluation level.*
- Page 107 Re: Watershed Program: *"The Watershed Program provides assistance, financial and technical, to local watershed programs that benefit the Bay-Delta system. Watershed actions can improve reliability by shifting the timing of flows, increasing base flows and reducing peak flows. This also helps to maintain levee integrity during high flow periods. Other watershed actions will improve water quality by reducing discharge of parameters of concern." The text goes on to note a number of items related to the Watershed Program. In all cases the full text on Watershed Management in this volume (pages 125-127: Program Implementation) is silent on the critical issue of the relationship of watershed management to consumptive uses and needs in the watershed.*
- Page 127: Re: Surface Storage: *The text notes: "New offstream storage and/or expansion of existing onstream reservoirs could add up to several million acre-feet of new surface storage." Specifics are needed to determine how the "several million acre-feet" were determined and where such storage would be. Without those specifics, the document is inadequate to make an informed decision on the proposed program.*

II. Comments on "WATER TRANSFER PROGRAM PLAN"

- Page 3-6 Re: 3.3.3 Area of Origin and Watershed Priorities: *The text reads: "Many of the primary source areas for water transfers are protected by county of origin or watershed protection priorities. Some stakeholders believe that these protections need to be further strengthened prior to implementation of long-term transfers out of the source area. Some stakeholders also believe that in-basin transfers should be given a priority over out-of-basin transfers.*

Potential Solution Options

The following options could protect area of origin and watershed priorities:

- "Modification" of transferable (sic) water rules to facilitate in-basin, source area transfers.
- Permit streamlining for in-basin or sub-basin transfers.
- Additional statutory or constitutional provisions on watershed protection. (and)
- Additional legislation to protect water rights, including area of origin priorities."

Until such time that these and other related considerations are addressed, the Draft Programmatic EIS/EIR is inadequate to reach decisions based on the stated goals and objectives of the CALFED program.

III. Comments on "DRAFT PROGRAMMATIC EIS/EIR"

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- Chapter 1: Project Description: *The description does not include all of the affected foothill counties.*
- Chapter 2: Alternatives: *The text is silent on alternatives that relate to areas of origin.*
- Chapter 3: Summary Comparison of Environmental Consequences: *The text is silent on effects on areas of origin.*
- Chapter 4: Guide to Impact Analyses and Description of Land Use Assumptions: *Text is silent on storage above state and federal project reservoirs.*
- Chapter 5: Physical Environment: Water Supply and Water Management: *Discussion does include state and federal project reservoirs but no details on any upstream areas or discussion of the water rights of the areas of origin (5.1-11).*
- New Reservoir Diversions and Releases: *The text provides no details on where the specific "New Reservoir Diversions and Releases" might be made (neither new releases from existing reservoirs or new reservoirs). (5.2-41)*
- Dams and Reservoirs: *The last two paragraphs of this discussion present only the adverse biological conditions caused by dams and reservoirs. The text lacks balance; there are beneficial conditions as well as the adverse. NEPA requires a balanced approach (6.1-12).*
- Watershed Program: *The text discusses only the potential changes that might reduce stressors. The text is essentially "blind" to the need for water impoundment for other uses. (6.1-38)*
- Urban Land Use: *The text makes no specific analysis of the effects of expansion of urban (or suburban) land use changes on agricultural lands, stating only: "Other fast growing communities include ... several Sierra Nevada foothill towns. Urban development along major highway corridors in Placer, El Dorado ... Counties has taken some irrigated agricultural land out of production. Suburban ranchette homes on relatively large parcels*

surround many of the urban areas and often include irrigated pastures or small orchards." *No specifics are presented. (7.4-4)*

- Urban Water Supply Economics: *The text makes no specific analysis of the potential effects on urban water supply economics. In fact, through inference, it could be reasonably-but erroneously- concluded from the text that the area has surplus water: "The Sacramento River Region generally has adequate supplies, even during drought; and some providers have excess supplies in the form of unused contracts, water rights, and excess groundwater capacity." The text makes no mention of the water shortages that have been experienced in the past and conservation practices that resulted in large part therefrom in El Dorado County and other areas. (7.5-12)*
- Chapter 9 Mitigation Strategies and Monitoring Plan: *This chapter is essentially devoid of facts. It provides a list of what should be included in a mitigation plan but does not provide enough facts to evaluate the value of what is contained in the chapter.*

The MCWRA appreciates the magnitude of the work that the EIS/EIR represents and the opportunity to comment on the CALFED Bay-Delta Program. We look forward to a legally sufficient and successful final documentation and implementation of the Stage I phase of the Bay-Delta Program.

Sincerely,



Chris Williams, Executive Director
Mountain Counties Water Resources Association